

**After Recess**  
**SIXTY-EIGHTH DAY**

(Continued)

(Tuesday, May 25, 1965)

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

**Senate Bill 290 on Second Reading**

The President laid before the Senate as pending business S. B. No. 290 on its second reading.

Question—Shall S. B. No. 290 be passed to engrossment?

**Message From the House**

Hall of the House of Representatives

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 835, A bill to be entitled "An Act amending the Texas Election Code by adding a section authorizing the conduct of schools of instruction for election judges and clerks appointed to serve in elections held by the county; and declaring an imperative public necessity for suspension of the Constitutional Rule on the reading of bills.

The House has concurred in Senate amendments to House Bill No. 410 by non-record vote.

Respectfully submitted,

**DOROTHY HALLMAN,**  
Chief Clerk House of Representatives

**Report of Standing Committee**

Senator Ratliff, by unanimous consent, submitted the following report:

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: Your Committee on Counties, Cities and Towns to which was referred H. B. No. 45, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

**Presentation of Guest**

The President recognized Senator Hazlewood and he extended a warm welcome from the Members of the Senate to former Senator Frank Owen, III of El Paso.

The President recognized Senator Dies and he addressed the Senate relating some of the incidents during the time Senator Owen was a Member of the Senate.

Former Senator Owen thanked the members of the Senate and he was given a standing ovation by the Members of the Senate.

**Bills Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 517, A bill to be entitled "An Act authorizing hospital districts located in counties having a population in excess of 900,000 according to the most recent federal census to construct, enlarge, furnish, equip and operate a parking station or stations in the vicinity of any hospital within such districts; authorizing such hospital districts to lease said parking stations; authorizing the issuance of revenue bonds for such purposes; prescribing the procedure for the issuance of such bonds and the method of paying and securing the payment thereof; authorizing the issuance of refunding bonds; containing a severability clause; enacting other provisions relating to the subject; and declaring an emergency."

S. B. No. 306, A bill to be entitled "An Act amending subsection (4)a of Section 1 of Article III, Senate Bill 116, Chapter 334, Acts Fifty-first Legislature, Regular Session, 1949, and last amended by House Bill 210, Chapter 471, Acts of Fifty-eighth Legislature, Regular Session, 1963 (compiled as Article 2922-13, Section 1, subsection (4)a in Vernon's Texas Civil Statutes) providing for an increased State-wide total of exceptional teacher units for exceptional children defined as emotionally dis-

turbed; etc.; and declaring an emergency."

S. B. No. 246, A bill to be entitled "An Act relating to the selection and preservation of essential state records; and declaring an emergency."

S. B. No. 442, A bill to be entitled "An Act amending Title 102, Oil and Gas, Revised Civil Statutes of Texas, 1925, by adding thereto a new Article to be known as Article 6036c, relating to penalties for certain false applications, reports, or other documents filed with the Railroad Commission of Texas under Title 102, etc.; and declaring an emergency."

S. B. No. 550, A bill to be entitled "An Act amending Section 4 of Chapter 7, Acts of the 47th Legislature of Texas, Regular Session, 1941, as amended by Section 2 of Chapter 525, Acts of the 57th Legislature of Texas, Regular Session, 1961; and declaring an emergency."

#### Senate Resolution 748

Senator Hall offered the following resolution:

Whereas, The people of Texas have reason to be proud of the Old Age Assistance Program which provides financial assistance and medical care for more than 230,000 aged persons; and

Whereas, Great improvements have been made in this program since its inception; and

Whereas, The people have from time to time approved amendments to the Constitution to better improve this program; and

Whereas, Texans can take pride in the fact that one does not have to give a lien on his home nor are one's children forced to neglect their own families in order to contribute to his support before Old Age Assistance can be granted, thus protecting the dignity of our elder citizens who have contributed to making Texas the great State that it is; and

Whereas, Further improvements should be made in the Program as conditions will permit; and

Whereas, The property, including money, that one may possess and be eligible for Old Age Assistance has not been increased; and

Whereas, This exemption of assets

of necessity must be negotiated between the State and the Federal Government; it is therefore

Resolved, That the State Welfare Department be instructed to enter into further negotiations with the Federal Government in an effort to increase the amount of liquid assets one may have and retain eligibility for Old Age Assistance and Medical Assistance to an amount that is more realistic in view of the high cost of living and the need for a reasonable reserve for emergencies.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 118

Senator Cole offered the following resolution:

S. C. R. No. 118, Authorizing and directing state agencies to cooperate in a study of the most effective and efficient ways to establish and utilize a state owned center, to be established with funds from private and federal sources, in extending essential services to the blind.

Whereas, Adjustment-training is the very heart of vocational rehabilitation of the blind, and is as important to vocational rehabilitation as reading and writing are to education; and

Whereas, The State Commission for the Blind has for many years provided the blind with adjustment-training services, having arranged for these services at private facilities, so as to finance the greatest part of the costs of extending this valuable and essential service with funds from private and federal sources; and

Whereas, Recent changes have been made in federal laws relating to the manner in which federal matching funds are to be spent, so as to impose additional conditions upon the private facilities now being utilized by the Commission for the Blind in arranging adjustment-training services; and

Whereas, These private facilities do not presently meet the new federal standards and do not find it practicable to alter their operations so as to conform with federal standards, resulting in a situation in which the Commission for the Blind must stop using these facilities or be faced with the loss of all federal matching funds presently available to the agency; and

Whereas, The Commission for the Blind can operate with neither maximum effectiveness or efficiency unless some alternative means of providing adjustment-training services in an economical and adequate manner is provided; and

Whereas, The problems and disadvantages of providing adjustment-training services for the blind through the utilization of private facilities exclusively is apparent and has long been recognized among professional workers for the blind, so that the Commission for the Blind has anticipated the current problem and has been searching for the best possible long-range solution to the problem; and

Whereas, The immediate problem of arranging for adjustment-training services could best be finally solved by the establishment of a state-owned rehabilitation center operated by the Commission and utilized for extending various services for which the State must now contract with other states or with private groups and for extending other vital and essential services to the blind which are not presently provided; and

Whereas, Federal funds are available and would cover most of the initial costs of constructing and operating a rehabilitation center for the blind, and private individuals, groups, and foundations have expressed a willingness to provide matching funds necessary to the construction and operation of a rehabilitation center if the state will provide the necessary land upon which to construct the center, so that a rehabilitation center for the blind may be established without the outlay of any state funds; now, therefore, be it

Resolved, That the Senate of the State of Texas, the House concurring, authorizes and directs the State Commission for the Blind to conduct a comprehensive study of the feasibility of establishing a rehabilitation center to be used in providing adjustment-training services for the blind by using available federal funds matched with funds from private sources for establishing the facility; and be it further

Resolved, That the study give particular consideration to establishing the facility near or in close proximity to the campus of the Texas School for the Blind in Austin, so that the rehabilitation center may

be used to supplement services for blind children at the school; and be it further

Resolved, That the Texas Education Agency is authorized and directed to cooperate closely with the Commission for the Blind in giving particular consideration to utilizing the center to provide mobility training services to blind students at the Texas State School for the Blind and for utilizing the center so as to provide these blind students with other vital services which may be extended through the center in order to preclude a duplication of effort and expense between the two agencies, and, additionally, to cooperate closely in giving consideration to ways in which the center might be utilized in further improving the training and effectiveness of those resources teachers of special education classes in public schools who are primarily concerned with the education of visually handicapped children; and be it further

Resolved, That the full research facilities of the State of Texas shall be made available for this study, and that all state agencies, including any person regularly employed by the state, capable of cooperating in this important study is authorized and directed to do so, and that the Commission is authorized and directed to cooperate with any official committee of either the executive or legislative branch of state government which might be of assistance in the study, including the Governor's Committee on Public Education provided for in Section 5, Senate Bill No. 4, Acts of the 59th Legislature, 1965; and be it further

Resolved, That the Legislature of the State of Texas hereby goes on record as assuring all persons interested in the establishment of this rehabilitation center that sufficient state-owned land of such type and at such location as might be necessary for the proper establishment and best operation of the center will be transferred to the jurisdiction of the Commission for the Blind by the 60th Legislature, and that any state agency to be affected by this transfer be and hereby is authorized and directed to enter into such interim agreement, subject to written approval by the Governor and recommendation of the State Building Commission, regarding the use of state-owned land, as might be necessary to initiate this project, and that the Commission

for the Blind be and hereby is directed to report to the 60th Legislature in detail on its study and other action it has taken pursuant to this resolution and to present to the 60th Legislature a detailed proposal concerning the establishment and operation of a state-owned rehabilitation center for the blind; provided, however, that construction shall not actually begin until the 60th Legislature shall give its authorization.

The resolution was read.

On motion of Senator Cole and by unanimous consent the resolution was considered immediately and was adopted.

#### Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 869, A bill to be entitled "An Act validating certain contracts, instruments, orders, ordinances, resolutions, acts and proceedings of certain incorporated cities; authorizing negotiation and execution of certain contracts relating to the disposal of garbage by certain cities; providing that the Act is applicable only to cities having a population in excess of 900,000 according to the last preceding or any future Federal Census; etc.; and declaring an emergency."

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 515, To the Committee on Education.

H. B. No. 40, To the Committee on State Affairs.

H. B. No. 79, To the Committee on State Affairs.

H. B. No. 134, to the Committee on Jurisprudence.

H. B. No. 52, To the Committee on Finance.

H. B. No. 103, To the Committee on Jurisprudence.

#### Report of Standing Committee

Senator Reagan by unanimous consent submitted the following report:

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to which was referred H. B. No. 992, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and not be printed.

REAGAN, Chairman.

#### House Bill 992 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 992 was ordered not printed.

#### Senate Concurrent Resolution 119

Senator Colson offered the following resolution:

S. C. R. No. 119, Authorizing the Enrolling Clerk of the Senate to make certain correction in S. B. No. 314.

Whereas, Senate Bill No. 314 has been passed by both the Senate and House and is now in the Senate Enrolling Room; and

Whereas, Certain minor corrections need to be made in the Bill; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the Senate be and is hereby directed to correct the enrolled copy of Senate Bill No. 314 as follows:

(1) Strike out "Liquor Administration Fund No. 97" appearing in the second line of Sec. 2, on page 31 and substitute "General Revenue."

(2) Strike out "Omnibus Tax Clearance Fund No. 120" appearing in the second and third line of Sec. 6 on page 46, and substitute "General Revenue Fund."

(3) Strike out "Trust and Suspense 900" appearing in the second line of Sec. 8, on page 47, and substitute "General Revenue."

The resolution was read.

On motion of Senator Colson and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Bill 587 on First Reading

The following local bill was intro-

duced, read first time and referred to the Committee indicated:

By Senator Hazlewood:

S. B. No. 587, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Gray County Hospital District with boundaries co-extensive with the boundaries of Gray County, Texas; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; prescribing procedures; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency."

To the Committee on Counties Cities and Towns.

#### Reports of Standing Committees

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 587, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RATLIFF, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Contingent Expense, to which was referred S. C. R. No. 70, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

#### Senate Bill 587 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent S. B. No. 587 was ordered not printed.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 25, 1965

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1089, A bill to be entitled An Act relating to regulations concerning the length and operation of Log Trucks, motor vehicles and combinations thereof used exclusively to transport poles, piling or unrefined timber from the point of origin to a wood processing mill; amending Sections 1 and 2, Chapter 73, Acts of the 54th Legislature, 1955 (Sections 1 and 2, Article 827a-3, Vernon's Texas Penal Code); and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 520, A bill to be entitled "An Act relating to the amount of bond required by the surviving spouse for community administration; amending Section 165, Texas Probate Code; and declaring an emergency."

S. B. No. 214. A bill to be entitled "An Act to regulate the taking of certain fish, game, and fur-bearing animals in Fannin County; amending Section 1, Chapter 125, Acts of the 52nd Legislature, Regular Session, 1951, as amended, to remove Fannin County from the regulatory authority of the Parks and Wildlife Department; and declaring an emergency."

S. B. No. 395, A bill to be entitled "An Act to amend Chapter 28 of the Acts of the First Called Session of the Forty-second Legislature by amending Section 8aa to provide that operators of crude oil gathering systems by pipe line or truck who purchase crude oil shall be common purchasers thereof and purchase without discrimination; and declaring an emergency."

S. B. No. 333, A bill to be entitled "An Act relating to professional sanitarians; providing for a procedure for Registration of Professional Sanitarians; and prescribing its powers, duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; providing for registration; etc.; and declaring an emergency."

S. B. No. 566, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of the State of Texas, to be known as 'Village of San Luis Municipal Utility District of Galveston County, Texas'; etc.; and declaring an emergency."

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 1133, To the Committee on Counties, Cities and Towns.

H. B. No. 1089, To the Committee on Counties, Cities and Towns.

H. B. No. 1060, To the Committee on Counties, Cities and Towns.

#### Senate Bill 587 on Second Reading

Senator Hazlewood moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and the S. B. No. 587 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Herring
Bates	Hightower
Blanchard	Kazen
Calhoun	Kennard
Cole	Krueger
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hall	Reagan
Hardeman	Richter
Harrington	Rogers
Hazlewood	Schwartz

Snelson  
Spears  
Strong

Watson  
Word

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 587, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Gray County Hospital District with boundaries coextensive with the boundaries of Gray County, Texas; etc.; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

#### Senate Bill 587 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 587 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

#### Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

#### Report of Standing Committees

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1110, have had the

same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman,

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 435, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1133, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

#### Senate Bill 190 On Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 190, A bill to be entitled "An Act amending Section 1 of Article III in Senate Bill 116, Chapter 334, Acts 51st Legislature, 1949, as amended (compiled as Article 2922-13, Section 1, Vernon's Texas Civil Statutes), by adding thereto a new subsection to be designated as (4A), to provide for an annual exceptional children transportation cost allotment to school districts operating approved exceptional children programs determinable on a prescribed per capita pupil basis and/or formula and subject to certain limitations; etc. and declaring an emergency."

The bill was read second time.

Senator Cole offered the following amendment to the bill:

Amend S. B. 190 by striking the word "blind" in the first line of subsection (a) of quoted section 4(A) of Section one of the bill and inserting the following in lieu thereof:

"Visually handicapped children with conditions making impracticable the use of public transportation,"

The amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 190 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 190 be placed on its third reading the final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 1133 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 1133 was ordered not printed.

#### Reports of Standing Committees

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,  
May 24, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 814, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman,

#### House Bill 814 Ordered Not Printed

On motion of Senator Crump and by unanimous consent H. B. No. 814 was ordered not printed.

#### Senate Bill 290 on Second Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 290 on its second reading.

Question—Shall S. B. No. 290 be passed to engrossment?

#### Motion to Not Print Senate Concurrent Resolution 70

Senator Hightower asked unanimous consent that S. C. R. No. 70 be ordered not printed.

There was objection.

#### Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 444, A bill to be entitled "An Act amending Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, page 868, known as the Insurance Code, by amending Article 10.19 thereof so as to provide that hereafter only such corporation, society or order of voluntary association having not less than five hundred (500) members and ten (10) subordinate lodges, and meeting the requirements of Article 10.01, and which has been in continuous operation for not less than five (5) years immediately preceding the filing of its articles of incorporation or association, may qualify to provide the benefits enumerated in Article 10.05 by filing articles of incorporation or association, constitution and laws, rules and regulations, proposed forms

of benefit certificates, applications therefor and circulars to be issued, bond with sureties approved by the State Board of Insurance, conditioned upon the return of the advance payment to the applicants for insurance benefits; etc. and declaring an emergency."

S. B. No. 430, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "South China Improvement District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters, finding a benefit to all land and other property within the District; etc. and declaring an emergency."

S. B. No. 501, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas known as 'North Nome Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries, finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; etc., and declaring an emergency."

S. B. No. 554, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9, of Article IX of the Constitution of the State of Texas, to be known as the Hunt County Hospital District, with boundaries coextensive with the boundaries of Hunt County, Texas; etc. and declaring an emergency."

S. B. No. 453, A bill to be entitled "An Act amending Part 5 of the Texas Business Corporation Act, H. B. 16, Act of 1955, Fifty-fourth Legislature, ch. 64, p. 239, by adding thereto a new Article 5.14 providing for deposit of costs in a suit by a shareholder or stockholders on behalf of corporation where the ownership interest of the complainants is less than a minimum 5% percentage; and renumbering Article 5.14 as 5.15; providing for severability; and declaring an emergency."



**Memorial Resolutions**

S. R. No. 750—By Senator Hazlewood: Memorial resolution for Judge C. B. Reeder.

S. R. No. 751—By Senator Hazlewood: Memorial resolution for Montague Kingsmill Brown.

S. R. No. 752—By Senator Hazlewood: Memorial resolution for N. O. "Nat" Glenn.

S. R. No. 752-A—By Senator Herring: Memorial resolution for Mrs. Nell Holtzclaw Wayland.

**Congratulatory Resolution**

S. R. No. 753—By Senator Hightower: Extending thanks and best wishes to E. Paul Waggoner on contributions to the State.

**Adjourn**

Senator Watson moved that the Senate stand adjourned until 2:00 o'clock p.m. today.

Senator Aikin moved that the Senate take recess until 2:00 o'clock p.m. today.

Question first on the motion to adjourn, Yeas and Nays were demanded.

The motion prevailed by the following vote:

**Yeas—20**

Bates	Kazen
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Strong
Herring	Watson
Hightower	Word

**Nays—10**

Aikin	Patman
Creighton	Rogers
Hall	Schwartz
Harrington	Snelson
Kennard	Spears

**Absent**

Hazlewood

Accordingly the Senate at 12:05 adjourned until 2:00 o'clock p.m. today.

**APPENDIX****Reports of Standing Committee**

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 25, 1965

Hon. Preston Smith, President of the Senate.

Sir: We your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 520, "An Act relating to the amount of bond required by the surviving spouse for community administration; amending Section 165, Texas Probate Code; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 25, 1965

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 214, "An Act to regulate the taking of certain fish, game, and fur-bearing animals in Fannin County; amending Section 1, Chapter 125, Acts of the 52nd Legislature, Regular Session, 1951, as amended, to remove Fannin County from the regulatory authority of the Parks and Wildlife Department; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 25, 1965

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 395, "An Act to amend Chapter 28 of the Acts of the First Called Session of the 42nd Legislature by amending Section 8aa to provide that operators of crude oil gathering systems by pipeline or truck who purchase crude oil shall be common purchasers thereof and purchase without discrimination; adding Section 8aaa to authorize regulation by the Com-

mission of gathering systems for crude petroleum by pipeline or truck and to prohibit purchase of crude petroleum by persons operating such systems unless they are common purchasers and subject to Commission regulation; amending Section 11d to authorize the Commission to compel common purchasers to ratably purchase to prevent discrimination and to purchase the allowable production of any producer discriminated against and to authorize show cause orders by the Commission in such instances; adding a new Section 11dd providing that none of the provisions of this Act shall increase or decrease the duties or responsibilities of any common purchaser, purchaser, gatherer or transporter of natural gas, residue gas or casinghead gas; providing severability; providing that this action shall be cumulative of all other laws now in force; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 25, 1965

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 333, "An Act relating to professional sanitarians; providing for a procedure for Registration of Professional Sanitarians; and prescribing its powers, duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; providing for registration of professional sanitarians and sanitarians in training; and for issuance, renewal, revocation, and reinstatement of certificates of registration, and fixing fees therefor; providing for expenditure and other disposition of funds collected under provisions of the Act and fixing purposes for which such funds may be used; prohibiting use of the title or designation of "sanitarian" in any public or private employment in this state unless the person employed is registered hereunder; exempting physicians, dentists, engineers and doctors of veterinary medicine who are duly licensed by another State Licensing Agency; and providing a penalty for violation; providing

that employment of sanitarian not required; providing for severability; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 25, 1965

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 566, "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of the State of Texas, to be known as "Village of San Luis Municipal Utility District of Galveston County, Texas"; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing provisions relating to addition of land; providing that its bonds are legal and authorized investments; containing other provisions relating to the subject; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 25, 1965

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 554, "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Hunt County Hospital District, with boundaries coextensive with the boundaries of Hunt County, Texas; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; providing said district with the authority to purchase and otherwise acquire existing privately and publicly owned hospital facilities and providing the requirements and the au-

thority on the part of cities, counties and hospital authorities owning and operating hospital facilities to transfer or where appropriate to sell the same to said district; prescribing procedures; providing tax exemptions; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 501, "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas known as 'North Nome Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for terms and election of directors and notice of directors elections, and related matters; providing for directors to fill vacancies; providing for organization of board of directors; providing for a secretary pro tem; providing for employment of engineers, auditors, attorneys, and other employees; providing for approval of District's plans and specifications by the Texas Water Commission and inspection during

construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to Jefferson County; providing District shall bear expenses of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing that the Municipal Annexation Act shall have no application to this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District, and related matters; providing that Article 7880-75b shall be applicable to this District but requiring additional requisites prior to annexation of territory, and related matters; providing additional powers of District within and without boundaries of District but limited to Jefferson County; providing for the sale of bonds of the District and the exchange of bonds for property and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-

grossed and Enrolled Bills, to which was referred:

S. B. No. 444, "An Act amending Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, page 868, known as the Insurance Code, by amending Article 10.19 thereof so as to provide that hereafter only such corporation, society or order of voluntary association having not less than five hundred (500) members and ten (10) subordinate lodges, and meeting the requirements of Article 10.01, and which has been in continuous operation for not less than five (5) years immediately preceding the filing of its articles of incorporation or association, may qualify to provide the benefits enumerated in Article 10.05 by filing articles of incorporation or association, constitution and laws, rules and regulations, proposed forms of benefit certificates, applications therefor and circulars to be issued, bond with sureties approved by the State Board of Insurance, conditioned upon the return of the advance payment to the applicants for insurance benefits; imposing a limitation upon the time in which such qualification must be completed; providing for the issuance by the State Board of Insurance of a preliminary certificate authorizing such organization to solicit from its members applications for insurance benefits; prescribing conditions upon which such solicitation may be made; imposing limitations upon the incurring of liability by the organization pending its qualification; prescribing the disposition to be made of funds received by the organization in advance payment of the insurance benefits applied for; providing for the issuance of a permanent certificate by the State Board of Insurance upon presentation of satisfactory evidence that the organization has complied with all provisions of law; providing that the preliminary certificate will become null and void if qualification is not completed within one (1) year, or any extension thereof; prescribing conditions upon which the permanent certificate may become null and void; providing that the organization may have certain powers; exempting societies exempt from Chapter Ten of the Insurance Code; partially exempting Fraternal Benefit Societies authorized to transact business in this state on June 1, 1965; repealing all laws in conflict herewith;

providing a saving clause; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 453, "An Act amending Part 5 of the Texas Business Corporation Act, House Bill No. 16, Acts of 1955, 54th Legislature, Chapter 64, page 239 by adding thereto a new Article 5.14 providing for deposit of costs in a suit by a shareholder or shareholders on behalf of corporation where the ownership interest of the complainants is less than a certain minimum; renumbering Article 5.14 as 5.15; providing for severability; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

May 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 430, "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "South China Improvement District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions; provid-

ing for no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for terms and election of directors and notice of directors elections, and related matters; providing for directors to fill vacancies; providing for organization of board of directors; providing for a secretary pro tem; providing for employment of engineers, auditors, attorneys, and other employees; providing for approval of District's plans and specifications by the Texas Water Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to Jefferson County; providing District shall bear expenses of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; providing that the Municipal Annexation Act shall have no application to this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District, and related matters; providing that Article 7880-

75b shall be applicable to this District but requiring additional requisites prior to annexation of territory, and related matters; providing additional powers of District within and without boundaries of District but limited to Jefferson County; providing for the sale of bonds of the District and the exchange of bonds for property and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to the Governor

May 25, 1965

S. B. No. 473

S. B. No. 245

S. B. No. 246

S. B. No. 442

S. B. No. 517

S. B. No. 550

## In Memory of Senator Jesse E. Martin

Senator Hazlewood offered the following resolution:

(Senate Resolution 749)

Whereas, The death on April 7, 1965, of the Honorable Jesse E. Martin, 71, long-time Fort Worth attorney and former State Senator and District Attorney, was the source of sadness to his many friends in Fort Worth, at the State Capitol, and elsewhere throughout the state; and

Whereas, He served as a State Senator from 1938-1944 and prior to that time, in 1926, and again in 1930 and 1932, he was elected as Tarrant County's District Attorney; and

Whereas, Senator Martin was highly regarded and respected during his two terms in the Senate, and sponsored legislation of statewide interest, participating frequently in what was commonly referred to as "rough and tumble" debate in behalf of measures which he supported; and

Whereas, He was born on a farm near Forest Hill and attended the old Polytechnic College in Fort Worth before studying for his law degree at Texas Christian University, which he received in 1918; and

Whereas, During his student days he was active on the TCU football and debating teams, although he waited on tables and sold kitchenware to earn his college expenses; and

Whereas, Before receiving his law degree, he helped organize a National Guard company because of his desire to serve in the Army during World War I and to prove that he had overcome a physical handicap which disqualified him for service in 1917, when the National Guard company was not taken into the Army, he enlisted in the Marine Corps and landed in France two months before the Armistice; and

Whereas, When the war ended, he won a government scholarship to Cambridge University where he received a master of law degree in 1918, after which he returned to Fort Worth to practice law; and

Whereas, He served three years as an Assistant District Attorney in Tarrant County, and later received an appointment as First Assistant U. S. Attorney, a post which he held for three years also; and

Whereas, Senator Martin gained a well-earned reputation for being an able, outstanding, and most effective prosecuting attorney, and received recognition as well as a successful defense attorney in some of Texas' most widely-known criminal cases; and

Whereas, He was actively engaged in his beloved profession at the time of his sudden death, and fellow lawyers throughout Texas will greatly miss his brilliant performance in the court room; and

Whereas, Senator Martin, despite his brilliant legal career, never abandoned his rural background; he engaged in ranching with great enthusiasm, and was particularly interested in horses: his thoroughbreds, as well as his Tennessee walking horses, won many blue ribbons and he was as widely known in sport circles and among horse fanciers and owners as in the law; and

Whereas, The Senate of the 59th Legislature wishes to pay tribute to this eminent Texan, prominent attorney, and devoted public servant, who accomplished so much for his state during his tenure in the Senate and as District Attorney; now, therefore, be it

Resolved, That the Senate of Texas extends sympathy to his wife, Ruth; to his brother, Albert Martin, assistant in the County Auditor's Office at Fort Worth; and to his sister, Mrs. Douglas Tomlinson, also of Fort Worth; and be it further

Resolved, That copies of this Resolution, under the Seal of the Senate, be prepared for the members of his family and when the Senate adjourns this day that it do so in memory of a former member of this body, Senator Jesse E. Martin.

HAZLEWOOD  
KENNARD

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Herring, Hightower, Kazen, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Kennard and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.